

The Gazette of India

EXTRAORDINARY
PUBLISHED BY AUTHORITY

NEW DELHI, TUESDAY, AUGUST 12, 1947

GOVERNMENT OF INDIA

FINANCE DEPARTMENT

NOTIFICATION

New Delhi, dated the 12th August 1947

No. D.-6719-B/47.—Under the terms of the Government of India, Finance Department, Notifications Nos. F. 3(2)-F/33, and F. 3(8)-F/34, dated the 25th April 1933 and 31st May 1934 respectively, the Government of India have the right to redeem the whole of the 3½% Loan 1947-50 or any part of it, at par on or after the 15th November 1947, on giving three calendar months' notice in the *Gazette of India*. The Government of India notify accordingly that the whole of the 3½% Loan 1947-50 will be repaid at par on the 15th November 1947 with all interest due upto date. Interest will not accrue on the loan from and after the 15th November 1947.

By order of the Governor General in Council,

K. G. AMBEGAOKAR,


Secretary to the Government of India.

POLITICAL DEPARTMENT

NOTIFICATION

New Delhi, the 11th August 1947

No. 223(a)-I.O.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to direct that so much of the Central India Administered Areas (Application of Laws) Order, 1943 as has reference to the application to the Cantonment of Neemuch of the Indian Income-tax Act, 1922 (XI of 1922), the Excess Profits Tax Act, 1940 (XV of 1940) and the Excess Profits Tax Ordinance, 1943 (No. XVI of 1943), shall not apply to the said Cantonment with effect from the first day of April 1947.


B. K. M. SAKER, Dy. Secy.

PUBLISHED BY THE MANAGER OF PUBLICATIONS DELHI INDIA
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI, INDIA.

SECRETARIAT OF THE GOVERNOR-GENERAL (REFORMS)**NOTIFICATION***New Delhi, the 12th August 1947*

No. G.G.O. 8.—The following Order made by the Governor-General is published for general information —

INDIAN INDEPENDENCE (PARTITION COUNCILS) ORDER, 1947.

In exercise of the powers conferred by section 9 of the Indian Independence Act, 1947, and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order:—

1. (1) This Order may be cited as the Indian Independence (Partition Councils) Order, 1947.

(2) It shall come into force at once.

2. The Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. As from the fifteenth day of August, 1947, there shall be set up in the manner hereinafter provided 4 bodies to be known respectively as—

(i) the Partition Council for India and Pakistan,

(ii) the Bengal Separation Council,

(iii) the Punjab Partition Committee, and

(iv) the Assam Separation Council.

4. (1) The Partition Council for India and Pakistan shall consist of—

(a) two representatives of India who shall be Ministers of the Government of India, and

(b) two representatives of Pakistan, one of whom shall be a Minister of the Government of Pakistan and the other shall be either another such Minister or the High Commissioner for Pakistan in India.

(2) The meetings of the Partition Council shall be held alternately under the chairmanship of one of the said representatives of India or one of the said representatives of Pakistan.

(3) The High Commissioner for Pakistan in India shall be entitled to attend as an observer any of the meetings of the Partition Council at which Pakistan is represented by two Ministers.

5. (1) The Bengal Separation Council shall consist of two representatives of East Bengal and two representatives of West Bengal.

(2) The Punjab Partition Committee shall consist of two representatives of West Punjab and two representatives of East Punjab.

(3) The Assam Separation Council shall consist of two representatives of East Bengal and two representatives of Assam.

(4) The said representatives shall be such persons as may be nominated by the Governor of the Province concerned, and different persons may be nominated for different meetings of the Council or Committee, as the case may be.

6. The meetings of each of the bodies mentioned in Article 5 shall be held—

(a) alternately in the capital towns of the two Provinces represented on that body, and

(b) under the chairmanship of the Governor of the Province in which the meeting is so — —

For the purposes of this Article a series of meetings held in one place from day to day shall be deemed to be a single meeting.

7 It shall be the duty of each of the bodies mentioned in Article 3—

- (a) to consider all questions relating to such of the matters mentioned in Article 4 of the Arbitral Tribunal Order, 1947, as are the concern of that body, and attempt to reach an agreed decision on all such questions;
- (b) in the event of their failure to reach an agreed decision on any such question as aforesaid, to make a reference in accordance with the provisions of the said Order to the Arbitral Tribunal set up by that Order; and
- (c) to consider any other question of common concern to the Dominions of India and Pakistan or, as the case may be, to the respective Provinces, arising in connection with the transition to the provision of the Indian Independence Act, 1947.

MOUNTBATTEN OF BURMA,

Governor-General

K. V. K. SUNDARAM,

Officer on Special Duty.

SECRETARIAT OF THE GOVERNOR-GENERAL (REFORMS)**NOTIFICATION***New Delhi, the 12th August 1947*

No. G. G. O. 9.—The following Order made by the Governor-General is published for general information —

THE ARBITRAL TRIBUNAL ORDER, 1947

In exercise of the powers conferred by section 9 of the Indian Independence Act, 1947, and of all other powers enabling him in that behalf the Governor-General is pleased to make the following Order —

1 (1) This Order may be cited as the Arbitral Tribunal Order, 1947

(2) It shall come into force at once.

2 The Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. (1) As from the fourteenth day of August, 1947 there shall be set up an Arbitral Tribunal (hereinafter referred to as "the Tribunal") consisting of a Chairman who shall be nominated by the Governor-General, and two members who shall be so nominated, one to represent the future Dominion of India and the other to represent the future Dominion of Pakistan

(2) If the office of the Chairman becomes vacant it shall be filled by such person as the Governors-General of the two Dominions may agree to nominate as Chairman, and if the office of a member becomes vacant it shall be filled by such person as the Governor-General of the Dominion concerned may nominate as member

1 (1) The Tribunal shall have power to make awards in respect of references made to it before the first day of December 1947, or with the permission of the Chairman before the first day of January, 1948, by any of the bodies hereinafter mentioned being references relating to any of the following matters, namely:—

- (a) the division between the Dominions of India and Pakistan, of the assets and liabilities of the Governor-General in Council;
- (b) the apportionment between the Dominions of India and Pakistan of expenses incurred by or under authority derived from the Joint Defence Council or the Supreme Commander for carrying into effect the purposes of the Joint Defence Council Order, 1947;
- (c) the amount of assets and liabilities of the Reserve Bank of India to be transferred to Pakistan when the Reserve Bank of India ceases to be the bank of issue for Pakistan or the Central Bank of Pakistan,
- (d) the apportionment between the Dominions of India and Pakistan of the current earnings of foreign exchange including current releases of sterling by His Majesty's Government in the United Kingdom, during the period when the Reserve Bank of India administers common exchange controls on behalf of both the Dominions;
- (e) the division between the new Provinces of East Bengal and West Bengal, of the assets and liabilities of the existing Province of Bengal;
- (f) the allocation to the new Province of East Bengal of any of the assets and liabilities of the Province of Assam;

(g) the division between the new Provinces of West Punjab and East Punjab, of the assets and liabilities of the existing Province of the Punjab; and

(h) any other matter arising directly out of partition.

(2) The bodies referred to in paragraph (1) of this Article are the bodies which on the date of the commencement of this Order are known as—

(a) the Partition Council,

(b) the Provisional Joint Defence Council,

(c) the Bengal Separation Council,

(d) the Punjab Partition Committee, and

(e) the Assam Separation Council,

and the corresponding bodies which are to be set up as from the date of the establishment of the Dominions of India and Pakistan.

(3) Whenever the appropriate body mentioned in paragraph (2) of this Article is unable to reach an agreed decision in regard to a matter mentioned in sub-paragraphs (a) to (e) of paragraph (1) thereof, that body shall make reference to the Tribunal, but before the first day of December, 1947, or with the permission of the Chairman before the 1st day of January, 1948, setting out as clearly as may be the matter or matters in difference.

(4) Whenever any of the bodies mentioned in paragraph (2) of this Article is unable to reach an agreed decision in regard to a matter mentioned in sub-paragraph (b) of paragraph (1) thereof, but is agreed that a reference should be made to the Tribunal, that body may make a reference before the first day of December, 1947, or with the permission of the Chairman before the first day of January, 1948, setting out as clearly as may be the matter or matters in difference.

5. (1) Whenever any of the bodies mentioned in paragraph (2) of Article 1 is unable to agree whether or not a matter is one in regard to which that body is required by paragraph (3) of that Article to make a reference in the contingency mentioned therein, that question shall be referred to the Tribunal whose decision thereon shall be final.

(2) Where a question has been referred to the Tribunal under this Article—

(a) if the two members of the Tribunal are agreed as to the decision to be given, such decision shall be the decision of the Tribunal; and

(b) if the two members are not agreed, the Chairman shall decide the question and his decision shall be the decision of the Tribunal.

6. In respect of any reference made to the Tribunal under Article 1,—

(a) if the two members of the Tribunal are agreed as to the terms of the award to be made, the Chairman shall make the award in those terms; and

(b) in the event of disagreement between the two members with regard to any matter arising out of the reference, the Chairman shall decide such matter and make the award accordingly.

Provided that the body making the reference may, at any time before the award is made, withdraw the reference by notice in writing to the Tribunal.

7. (1) Every award made in accordance with the provisions of Article 6 shall be binding on the two Dominions and all Provinces and other parts thereof, and on all persons directly or indirectly concerned in or affected by the award.

(2) Every such award shall be communicated forthwith by the Chairman to the body by which the reference was made, the Governments of the two Dominions, and the Governments of the Provinces concerned, if any.

8. (1) The Tribunal shall have power—

- (a) to make an award conditional or in the alternative;
- (b) to correct any clerical mistake or error arising from any accidental slip or omission;
- (c) subject to the provisions of this Order, to determine its own procedure; and
- (d) to appoint such ministerial officers as it may find necessary.

(2) The Tribunal shall have all the powers of a civil court for the purpose of receiving evidence, administering oaths, enforcing the attendance of witnesses and compelling the discovery and production of documents, and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898

9. Nothing contained in the Arbitration Act, 1940, shall apply to proceedings before the Tribunal.

MOUNTBATTEN OF BURMA,
Governor-General.

K. V. K. SUNDARAM,
Officer on Special Duty.

SECRETARIAT OF THE GOVERNOR-GENERAL (REFORMS)

NOTIFICATION

New Delhi, the 12th August 1947

No. G.G.O. 10.—The following Order made by the Governor-General is published for general information:—

THE CROWN REPRESENTATIVE (TRANSFER OF PROPERTY AND LIABILITIES) ORDER, 1947.

In exercise of the powers conferred by section 9 of the Indian Independence Act, 1947, and all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order:—

1. (1) This Order may be cited as the Crown Representative (Transfer of Property and Liabilities) Order, 1947.

(2) It shall come into force on the twelfth day of August 1947.

2. (1) In this Order, the expression "property" includes all moveable and immoveable property and all choses in action, and, in particular, includes all rights subsisting under any contract.

(2) The Interpretation Act, 1889, applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. All property which, immediately before the commencement of this Order, is vested in His Majesty for the purposes of the exercise of the functions of the Crown in its relations with the Indian States is hereby vested in His Majesty for the purposes of the Governor-General in Council; and as from the commencement of this Order, all such property shall be under the control and management of the Governor-General in Council.

4. All liabilities, whether arising out of a contract or otherwise, which have accrued against His Majesty's representative for the exercise of the functions of the Crown in its relations with Indian States and are outstanding immediately before the commencement of this Order shall thereafter be liabilities of the Governor-General.

MOUNTBATTEN OF BURMA,
Governor-General.

K. V. K. SUNDARAM,
Officer on Special Duty.

SECRETARIAT OF THE GOVERNOR-GENERAL (REFORMS)**NOTIFICATION***New Delhi, the 12th August, 1947*

No. G.G.O. 11.—The following Order made by the Governor-General is published for general information :—

**THE INDIAN INDEPENDENCE (LEGAL PROCEEDINGS)
ORDER, 1947.**

In exercise of the powers conferred by section 9 of the Indian Independence Act, 1947, and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order :—

1. (1) This Order may be cited as the Indian Independence (Legal Proceedings) Order, 1947.

(2) It shall come into force at once.

2. (1) In this Order, "appointed day" means the fifteenth day of August, 1947.

(2) The Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. Notwithstanding the setting up of the two independent Dominions of India and Pakistan and the creation of new Provinces by the Indian Independence Act, 1947,—

(1) all proceedings pending immediately before the appointed day in any of the Special Tribunals specified in column 1 of the Schedule to this Order shall be continued in that Tribunal as if the said Act had not been passed, and that Tribunal shall continue to have for the purposes of the said proceedings all the jurisdiction and powers which it had immediately before the appointed day ;

(2) notwithstanding anything contained in any other law to the contrary, any appeal from or application for revision of any order or sentence of the Tribunal in a case specified in column 2 of the Schedule to this Order shall lie to the High Court specified in the corresponding entry in column 3 of the said Schedule ; and

(3) effect shall be given within the territories of either of the two Dominions to any order or sentence of any such Special Tribunal as aforesaid and of any High Court in appeal or revision therefrom as if the order or sentence had been passed by a court of competent jurisdiction in that Dominion.

4. Notwithstanding the creation of certain new Provinces and the transfer of certain territories from the Province of Assam to the Province of East Bengal by the Indian Independence Act, 1947,—

(1) all proceedings pending immediately before the appointed day in any civil or criminal court (other than a High Court) in the

Province of Bengal, the Punjab or Assam shall be continued in that court as if the said Act had not been passed, and that court shall continue to have for the purposes of the said proceedings all the jurisdiction and powers which it had immediately before the appointed day ;

(2) any appeal or application for revision in respect of any proceedings so pending in any such court shall lie in the court which would have appellate, or as the case may be revisional, jurisdiction over that court if the proceeding were instituted in that court after the appointed day ; and

(3) effect shall be given within the territories of either of the two Dominions to any judgment, decree, order or sentence of any such court in the said proceedings, as if it had been passed by a court of competent jurisdiction within that Dominion.

THE SCHEDULE

(See Article 3)

1	2	3
Special Tribunal	Cases	High Court
First Special Tribunal, Calcutta.	All cases	The High Court in Calcutta.
Second Special Tribunal, Calcutta.	All cases	The High Court in Calcutta.
First Special Tribunal, Lahore.	1. Crown <i>v.</i> Sohan Lal Bhayana, Shanta Nand, and Ram Lal Sarma. 2. Crown <i>v.</i> Major C. A. Hunt, M. A. Sheikh, Hassan Din, and Najamuddin. 3. Crown <i>v.</i> Major C. A. Hunt, Subedar Sant Ram Bhatia, and M. A. Sheikh.	The High Court of East Punjab. The High Court in Lahore. The High Court in Lahore.
Second Special Tribunal, Lahore.	1. Crown <i>v.</i> R. B. L. Padam Chand Taela, and another. 2. Crown <i>v.</i> J. K. Gas Plant Manufacturing Co., Ltd., Juggilal Kamlapat (Rampur) Ltd., B. B. Mathur, and S. K. Seth.	The High Court in Lahore. The High Court in Bombay.

1 Special Tribunal	2 Cases	3 High Court
	3. Crown <i>v.</i> Juggilal Kamlapat Gas Plant Manufacturing Co., Ltd., Juggilal Kamlapat (Rampur) Ltd., Kailashpat Singhania, B. B. Mathur, and S. K. Seth.	The High Court in Bombay.
	4. Crown <i>v.</i> Madanlal Dalmiya, Lakshmi Chand Jain, Rang Lal Kishan Saxena, Ranchor Das Bagri, Ganga Das Mohta, Ram Gopal Daga, and Balabh Das.	The High Court of East Punjab.
Third Special Tribunal, Lahore.	All cases	The High Court of East Punjab.

MOUNTBATTEN OF BURMA,
Governor-General.

K. V. K. SUNDARAM,
Officer on Special Duty.

SECRETARIAT OF THE GOVERNOR-GENERAL (REFORMS)**NOTIFICATION.***New Delhi, the 12th August 1947.*

No. G. G. O. 12—The following Order made by the Governor-General is published for general information :

THE INDIAN INDEPENDENCE (INCOME-TAX PROCEEDINGS) ORDER, 1947.

In exercise of the powers conferred by section 9 of the Indian Independence Act, 1947, and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order :—

1. (1) This Order may be cited as the Indian Independence (Income-tax Proceedings) Order, 1947.

(2) It shall come into force at once.

2. (1) In this Order,—

“appointed day” means the fifteenth day of August, 1947 ;

“assessee” means a person by whom income-tax or excess profits tax is payable ;

“relevant Tax Act” means the Indian Income-tax Act, 1922, as subsequently amended, or as the case may be, the Excess Profits Tax Act, 1940, as subsequently amended ;

“Tax Authority” means any of the following authorities, namely, the income-tax authorities mentioned in section 5 of the Indian Income-tax Act, 1922, the Appellate Tribunal mentioned in section 5A thereof, and the excess profits tax authorities mentioned in section 3 of the Excess Profits Tax Act, 1940 ;

“Tax Officer” means an Income-tax Officer or an Excess Profits Tax Officer within the meaning of the relevant Tax Act.

(2) The Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. Where before the appointed day the jurisdiction of a Tax Officer under the relevant Tax Act has been altered in connection with the setting up of the Dominions of India and Pakistan, or where after the appointed day the case of an assessee is transferred from one Dominion to the other by agreement between the Central Boards of Revenue of the two Dominions, and by reason of such alteration of jurisdiction or transfer the case of an assessee

falls to be dealt with on or after the appointed day by the Tax Authorities of India, or as the case may be of Pakistan, all proceedings relating to the case pending before any Tax Authority of Pakistan, or as the case may be of India, shall be transferred to the corresponding Tax Authority of India, or as the case may be of Pakistan, and shall be disposed of by the last mentioned Tax Authority in accordance with law.

4. Any such transfer shall not render necessary the re-issue of any notice already issued by a Tax Authority, whether before or after the appointed day, or the commencement *de novo* of any proceeding in the case, and all subsequent proceedings, whether by way of appeal, revision or otherwise, shall be taken before the appropriate Tax Authority of the Dominion to which the case has been so transferred.

5. No such transfer shall be called in question on the ground that the Tax Authority to which the proceeding is so transferred has no jurisdiction to deal with the case.

MOUNTBATTEN OF BURMA,

Governor-General.

K. V. K. SUNDARAM.

Officer on Special Duty.

GOVERNMENT OF INDIA
DEPARTMENT OF LABOUR
NOTIFICATION

New Delhi, the 9th August 1947

No. LR 1(4).—In exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to make the following rules, the same having been previously published as required by sub-section (1) of the said section, namely:—

THE INDUSTRIAL DISPUTES (CENTRAL) RULES, 1947

PRELIMINARY

1 *Title and application.*—(1) These rules may be called the Industrial Disputes (Central) Rules, 1947.

(2) They extend to all Chief Commissioners' Provinces other than British Baluchistan and shall also apply in relation to all industries, businesses and undertakings carried on by or under the authority of the Central Government, by the Federal Railway and to major ports, mines and oilfields, throughout British India.

2 *Definitions.*—In these rules, unless there is anything repugnant in the subject or context:—

- (a) "Act" means the Industrial Disputes Act, 1947;
- (b) "Chairman" means the chairman of a Board, Court or Tribunal or, if the Court or Tribunal consists of one person only, such person;
- (c) "Committee" means a Works Committee constituted under sub-section (1) of section 8 of the Act.
- (d) "Form" means a form in the Schedule to these rules;
- (e) "Section" means a section of the Act.

PART I

PROCEDURE FOR REFERENCE OF INDUSTRIAL DISPUTES TO BOARDS OF CONCILIATION,
COURTS OF INQUIRY OR INDUSTRIAL TRIBUNALS

3. *Application.*—An application for the reference of an industrial dispute to a Board, Court or Tribunal shall be made in Form A and shall be delivered personally or forwarded by registered post in triplicate to the Secretary to the Government of India in the Department of Labour. The application shall be accompanied by a statement setting forth—

- (a) the parties to the dispute;
- (b) the specific matters to dispute;
- (c) the total number of workmen employed in the undertaking affected;
- (d) an estimate of the number of workmen affected or likely to be affected by the dispute; and
- (e) the efforts made by the parties themselves to adjust the dispute.

4. *Attestation of application.*—The application and the statement accompanying it shall be signed—

- (a) in the case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager or other principal officer of the Corporation;
- (b) in the case of workmen, either by the President and Secretary of a registered trade union of the workmen, or by five representatives of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose.

5. *Notification of appointment of Board, Court or Tribunal.*—The appointment of a Board, Court or Tribunal together with the names of persons constituting the Board, Court or Tribunal shall be notified in the official Gazette.

6 *Notice to parties to nominate representatives.*—(1) If the Central Government proposes to appoint a Board, it shall send a notice in form B to the parties requiring them to nominate within a reasonable time persons to represent them on the Board.

(2) The notice to the employer shall be sent to the employer personally, or if the employer is an incorporated company or a body corporate, to the agent manager or other principal officer of such company or body.

(3) The notice to the workmen shall be sent—

- (a) in the case of workmen who are members of a registered trade union, to the President or Secretary of the trade union; and
- (b) in the case of workmen who are not members of a registered trade union, to any one workman who has attested the application made under rule 3; and in this case a copy of the notice shall also be sent to the employer who shall display copies thereof on notice boards in a conspicuous manner at the main entrance to the premises of the establishment.

PART II

POWERS, PROCEDURE AND DUTIES OF CONCILIATION OFFICERS, BOARDS, COURTS AND TRIBUNALS

7. *Conciliation proceedings.*—On receipt of information about an existing or apprehended industrial dispute, or, where the dispute relates to a public utility service, on receipt of a notice of a strike or lock-out given under rule 52 or rule 53, the conciliation officer shall forthwith arrange to interview both the employer and the workmen concerned with the dispute at such places and at such times as he may deem fit and shall endeavour to bring about a settlement of the dispute in question.

8. The conciliation officer may hold a meeting of the representatives of both parties jointly or of each party separately.

9 The conciliation officer shall conduct the proceedings expeditiously and in such manner as he may deem fit

10. *Place and time of hearing.*—The sittings of a Board, Court or Tribunal shall be held at such times and places as the Chairman may fix, and the Chairman shall inform the parties of the same in such manner as he thinks fit;

Provided that as far as possible the Board, Court or Tribunal shall sit at or near the place where the dispute or matter arose which is before it.

11. *Quorum for Boards and Courts.*—The quorum necessary to constitute a sitting of a Board or Court shall be as follows:—

		Quorum.
(i) in the case of a Board—		
where the number of members is 8		2
where the number of members is 5		3
(ii) in the case of a Court—		
where the number of members is not more than 2		1
where the number of members is more than 2 but less than 5		2
where the number of members is 5 or more		3

12. *Casual vacancy in Tribunal.*—Where a Tribunal consists of two or more members, the Tribunal may, with the consent of the parties, act notwithstanding any casual vacancy in its number and no act, proceeding or determination of

the Tribunal shall be called in question or invalidated by reason of any such vacancy:

13. *Administration of oath.*—Any member of a Board, Court or Tribunal may administer an oath.

14. *Evidence.*—A Board, Court or Tribunal may accept, admit or call for evidence at any stage of the proceedings before it and in such manner as it may think fit.

15. *Summons.*—A summons issued by a Board, Court or Tribunal shall be in Form 'C' and may require any person to produce before it any books, papers or other documents and things in his possession or under his control in any way relating to the matter under investigation or adjudication by the Board, Court or Tribunal which the Board, Court or Tribunal thinks necessary for the purpose of such investigation or adjudication.

16. *Service of summons or notice.*—Any notice, summons, process or order issued by a Board, Court or Tribunal may be served either personally or by registered post.

17. *Procedure at the first sitting.*—At the first sitting of a Board, Court or Tribunal, the Chairman shall call upon the parties in such order as he may think fit to state their case.

18. *Information to be kept confidential.*—All books, papers and other documents or things produced before a Board, Court or Tribunal whether voluntarily or in pursuance of a summons may be inspected by the Board, Court or Tribunal and also by such parties as the Board, Court or Tribunal allows; but the information obtained therefrom shall not except as provided in the Act, be made public; and such parts of the books, papers, documents or things as in the opinion of the Board, Court or Tribunal do not relate to the matters at issue may be sealed up.

19. *Board, Court or Tribunal may proceed ex-parte.*—If without good cause shown, any party to proceedings before a Board, Court or Tribunal fails to attend or to be represented, the Board, Court or Tribunal may proceed as if he had duly attended or had been represented.

20. *Power of entry and inspection.*—A Board, Court, or Tribunal or any member thereof or any other person authorised in writing by a Board, Court or Tribunal in this behalf may, for the purposes of any investigation, enquiry or adjudication entrusted to the Board, Court or Tribunal under the Act, at any time between the hours of sunrise and sunset, and in the case of a person authorised in writing by a Board, Court or Tribunal after he has given reasonable notice, enter any building, factory, workshop or other place or premises whatsoever, and inspect the same or any work, machinery, appliance or article therein or interrogate any person therein in respect of anything situated therein or any matter relevant to the subject-matter of the investigation, enquiry or adjudication.

21. *Power of Boards, Courts and Tribunals.*—In addition to the powers conferred by sub-section (3) of section 11 of the Act, Boards, Courts and Tribunals shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:—

- (a) discovery and inspection;
- (b) granting adjournment;
- (c) reception of evidence taken on affidavit;

and the Board, Court or Tribunal may summon and examine *suo moto* any person whose evidence appears to it to be material and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

22. *Decision by majority.*—All questions arising for decision at any meeting of a Board, Court or Tribunal, save where the Court or Tribunal consists of one person, shall be decided by a majority of the votes of the members thereof (including the Chairman) present at the meeting. In the event of an equality of votes, the Chairman shall also have a casting vote.

23. *Correction of errors.*—The Tribunal may correct any clerical mistake or error arising from an accidental slip or omission in any award it issues.

24. *Right of representatives.*—The representatives of the parties, appearing before a Board, Court or Tribunal, shall have the right of examination, cross-examination and re-examination and of addressing the Board, Court or Tribunal when all evidence has been called.

25. *Proceedings before a Board.*—The proceedings before a Board shall be held in public:

Provided that the Board may at any stage direct that any witness *shall* be examined or its proceedings *shall* be held in *camera*.

PART III

Remuneration of members of Boards, Courts and Tribunals, assessors and witnesses and establishment

26. *Travelling allowance.*—A member of a Board, Court or Tribunal, if not official, shall be entitled to draw travelling allowance and halting allowance for any journey performed by him in connection with his duties as such member at the rates admissible and subject to the conditions applicable to a Government servant of the first grade under the Supplementary Rules issued by the Central Government.

27. *Fees.*—The Chairman and members of a Board, Court or Tribunal and the assessors appointed to assist a Court or Tribunal shall be granted such fees as may be sanctioned by the Central Government in each case.

28. *Expenses of witnesses.*—Every person who is summoned and duly attends as a witness before a Board, Court or Tribunal shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil courts in the province where the investigation, enquiry or adjudication is being conducted.

29. *Establishment.*—The Central Government may appoint a Secretary to the Board, Court or Tribunal and such other staff as it may think necessary and may fix the salaries and allowances payable to them.

PART IV

Representation of parties

30. *Representation by a legal practitioner.*—Any party to a reference before a Court or Tribunal may be represented by a legal practitioner with the permission of the Court or Tribunal, as the case may be, and subject to such conditions or restrictions as the Court or Tribunal may impose.

31. *Parties bound by acts of representatives.*—A party appearing by a representative shall be bound by the acts of that representative.

PART V

Works Committees

32. *Constitution*—Any employer to whom an order made under sub-section (1) of section 3 relates shall forthwith proceed to constitute a Works Committee in the manner prescribed in this Part.

33. *Number of members*—The number of members constituting the Committee shall be fixed so as to afford representation to the various categories, groups and classes of workmen engaged in, and to the sections, shops or departments of, the establishment

Provided that the total number of members shall not exceed twenty

Provided further that the number of representatives of the workmen shall not be less than the number of representatives of the employer.

34. *Representatives of employer*—Subject to the provisions of these rules, the representatives of the employer shall be nominated by the employer and shall as far as possible, be officials in direct touch with or associated with the working of the establishment.

35. *Consultation with trade unions*.—Where any workmen of an establishment are members of a registered trade union, the employer shall ask the union to inform him in writing—

- (a) how many of the workmen are members of the union, and
- (b) how their membership is distributed among the sections, shops or departments of the establishment

36. *Groups of workmen's representatives*—On receipt of the information called for under rule 35, the employer shall provide for the election of workmen's representatives on the Committee in two groups—

- (1) those to be elected by the workmen of the establishment who are members of the union or unions, and
- (2) those to be elected by the workmen of the establishment who are not members of the union or unions,

bearing the same proportion to each other as the union members in the establishment bear to the non-members

Provided that where more than half the workmen are members of a union, no such division shall be made.

37. *Electoral constituencies*—Where under rule 36 the workmen's representatives are to be elected in two groups, the workmen entitled to vote shall be divided into two electoral constituencies, the one consisting of those who are members of a union and the other of those who are not

Provided that the employer may, if he thinks fit, subdivide the two electoral constituencies and direct that workmen shall vote in either by groups, sections, shops or departments

38. *Qualifications of candidates for election*—Any workman of not less than 19 years of age and with a service of not less than one year in the establishment may if nominated as provided in these rules, be a candidate for election as a representative of the workmen on the Committee

Provided that the service qualification shall not apply to the first election in an establishment which has been in existence for less than a year.

39. *Qualifications for voters.*—All workmen, other than casual employees, who are not less than 18 years of age and who have put in not less than 6 months' service in the establishment shall be entitled to vote in the election of the representatives of workmen.

40. *Procedure for election.*—(1) The employer shall fix a date as the closing date for receiving nominations from candidates for election as workmen's representatives on the Committee.

(2) For holding the election, the employer shall also fix a date which shall not be earlier than three days and later than ten days after the closing date for receiving nominations.

(3) The dates so fixed shall be notified at least seven days in advance to the workmen and the union or unions concerned, such notice shall be affixed on the notice board or given adequate publicity amongst the workmen. The notice shall specify the number of seats to be elected by the groups, sections, shops or departments and the number to be elected by the members of the union or unions and by the non-members.

(4) A copy of such notice shall be sent to the union or unions concerned.

41. *Nomination of candidates for election.*—(1) Every nomination shall be made on a nomination paper in form 'H', copies of which shall be supplied by the employer to the workmen requiring them.

(2) Each nomination paper must be signed by the candidate to whom it relates and attested by at least two other voters belonging to the electoral constituency and shall be delivered to the employer.

42. *Scrutiny of nomination papers.*—(1) On the day following the last day fixed for filing the nomination papers, the nomination papers shall be scrutinised by the employer in the presence of the candidates and the attesting persons and those which are not valid shall be rejected.

(2) For the purpose of sub-rule (1), a nomination paper shall be held to be not valid if (a) the candidate nominated is ineligible for membership under rule 38 or (b) the requirements of rule 41 have not been complied with.

43. *Voting in election.*—(1) If the number of candidates who have been validly nominated is equal to the number of seats, the candidates shall be forthwith declared duly elected.

(2) If in any constituency the number of candidates is more than the number of seats allotted to it, voting shall take place on the day fixed for election.

(3) The election shall be held in such manner as may be convenient for each electoral constituency.

(4) The voting shall be conducted by the employer, and, if any of the workmen concerned belong to a union, by such of them as the union may nominate.

44. *Arrangements for election.*—The employer shall be responsible for all arrangements in connection with the election.

45. *Officers of the Committee.*—(1) The Committee shall elect office bearers including one Chairman, one Vice-Chairman and two Joint Secretaries.

(2) The Chairman shall be nominated by the employer from amongst the employer's representatives on the Committee.

(3) The Vice-Chairman shall be elected by the Committee from amongst the workmen's representatives on the Committee.

(4) The two joint Secretaries shall be elected by the Committee from among the representatives of the employer and of the workmen respectively.

46. *Term of office.*—(1) The term of office of a workmen's representative on the Committee other than a member chosen to fill a casual vacancy shall be two years.

(2) A member chosen to fill a casual vacancy shall hold office for the unexpired term of his predecessor.

47. *Vacancies.*—In the event of a workmen's representative ceasing to be employed in the establishment or in the event of his resigning the membership in the Committee, his successor shall be elected from the constituency to which the member vacating the seat belonged.

48. *Power to co-opt.*—The Committee shall have the right to co-opt in a consultative capacity persons employed in the establishment having a particular or special knowledge of a matter under discussion. Such co-opted members shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Committee.

49. *Number of meetings.*—The Committee may meet as often as necessary but not less often than once a month.

50. *Facilities for meetings etc.*—The employer shall provide accommodation for holding meetings of the Committee. He shall also provide all necessary facilities to the Committee and to the members thereof for carrying out the work of the Committee.

PART VI

MISCELLANEOUS

51. *Memorandum of settlement.* The memorandum of settlement to be submitted by the ^{Conciliation Officer} ~~Board of Conciliation~~ shall be in Form D.

52. *Notice of strike.*—(1) The notice of strike to be given by employees in a public utility service shall be in form E.

(2) On receipt of a notice of strike under sub-rule (1), the employer shall forthwith intimate the fact to the appropriate conciliation officer in the list below:—

Designation	Headquarters	Province in which they have jurisdiction
1. Conciliation Officer (Central)	Calcutta	Bengal.
2. Conciliation Officer (Central)	Dhanbad	Bihar
3. Conciliation Officer (Central)	Gauhati	Assam.
4. Conciliation Officer (Central)	Asansol	Bengal.
5. Conciliation Officer (Central)	Cawnpore	United Provinces.
6. Conciliation Officer (Central)	Lahore	Punjab, N.W.F.P., Sind and Baluchistan.
7. Conciliation Officer (Central)	New Delhi	Delhi and Ajmer-Merwara.
8. Conciliation Officer (Central)	Bombay	Bombay.
9. Conciliation Officer (Central)	Nagpur	C. P. & Berar.
10. Conciliation Officer (Central)	Madras	Madras, Orissa and Coorg.
11. Conciliation Officer (Central)	Bombay	Bombay.
12. Conciliation Officer (Central)	Tichinopoly	Madras, Orissa and Coorg.

53 *Notice of lock-out.*—The notice of lock-out to be given by an employer carrying on a public utility service shall be in Form F.

54. *Report of lock-out or strike.*—The report of a lock-out or strike in a public utility service to be submitted by the employer under sub-section (3) of section 22, shall be in Form G

55. *Report of notice of strike or lock-out*—The report of notice of a strike or lock-out to be submitted by the employer under sub-section (6) of section 22 shall be sent by registered post or given personally to the Conciliation Officer (Central) appointed for the local area concerned, with a copy by registered post to:—

- (1) The Administrative Department of the Government of India concerned,
- (2) the Regional Labour Commissioner (Central) for the Zone,
- (3) Chief Labour Commissioner (Central),
- (4) Department of Labour of the Government of India, and
- (5) The District Magistrate.

56. *Penalties.* Any breach of these rules shall be punishable with fine not exceeding fifty rupees.

SCHEDULE

Form A

(See rule 3)

Form of application under sub section (2) of section 10 of the Industrial Disputes Act, 1947, for the reference of an industrial dispute to a Board of Conciliation
Court of Inquiry
Industrial Tribunal

Whereas an industrial dispute is apprehended
exists between
and and it is expedient that the matters specified in the
the dispute
enclosed statement which are connected with or relevant to the dispute should
be referred for litigation and settlement
enquiry.
a/c

By a Board of Conciliation
a Court of Enquiry
an Industrial Tribunal, , an application is hereby made under sub-
section 2 of section (10) of the Industrial Disputes Act, 1917, that the said matters
said dispute
should be referred to a Board of Conciliation
a Court of Enquiry
an Industrial Tribunal,

This application is made by the undersigned who $\frac{\text{have}}{\text{has}}$ been duly authorised to do so by virtue of a resolution (copy enclosed) adopted by a majority of the members present at a meeting of the held on the 19

A statement giving the particulars required under rule 3 of the Industrial Disputes (Central) Rules, 1947 is attached
Dated the _____ 19____

Signature of Applicant(s)

To

The Secretary to the Government of India
Department of Labour

Statement required under rule 3 of the Industrial Disputes (Central) Rules 1947, to accompany the form of application prescribed under sub-section 2 of Section 10 of the Industrial Disputes Act 1947 -

- (a) Parties to the dispute
- (b) Specific matters in dispute
- (c) Total number of workmen employed in the undertaking affected
- (d) Estimate of the number of workmen affected or likely to be affected by the dispute
- (e) Efforts made by the parties themselves to adjust the dispute

Form B

(See rule 6)

Whereas an industrial dispute has arisen is apprehended - between and and it is expedient to refer the said dispute under section 10 of the Industrial Disputes Act 1947, to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof you are hereby required to intimate to the undersigned not later than the .. the name(s) and address(es) of one (two) person(s) whom you wish to recommend for appointment as your representative(s) on the said Board

If you fail to make the recommendation by the date specified above the Central Government will select and appoint such person(s) as it thinks fit to represent you

Secretary to the Government of India
Department of Labour

Form C

(See rule 15)

Whereas an industrial dispute between and has been referred to this Board of Conciliation for investigation and settlement Court of Enquiry for investigation Industrial Tribunal for adjudication under section 10 of the Industrial Disputes Act 1947 you are hereby summoned to appear before the Board Court Tribunal in person on the day of at O'clock in the noon to answer all material questions relating to the said dispute and you are hereby directed to

duce on that day all the books, papers and other documents and things in your possession or under your control in any way relating to the matter

under investigation by this Board
Court
Tribunal

Dated

Chairman Secretary Board of Conciliation
Court of Enquiry
Industrial Tribunal

Form D

(See rule 51)

Form of Memorandum of Settlement

Names of parties

Representing employer

Representing employees

Short recital of case
Terms of agreement

Signature of Conciliation Officer
Board of Conciliation

Signature
of parties

Form E

(See rule 52)

Form of notice of strike to be given by employee(s) in a public utility service

Name of Union

Names of elected representatives of employees where no trade union exists
Address

Dated the _____ day of _____ 19____

To

(The name of the employer,

Dear Sir/Sirs,

In accordance with the provisions contained in sub-section (1) of section 22 of the Industrial Disputes Act, 1947 $\frac{1}{We}$ hereby give you notice that

I propose to call a strike on _____ 19____

We propose to go on strike

for the reasons explained in the annex

Yours faithfully

Secretary of the Union

Representatives of the employees elected at a meeting held on _____

ANNEXE

Statement of the Case

Copy to (1) Conciliation Officer (Central)

(If employer office address is at Conciliation Officer in the local area, enclose)

(2) Regional Labour Commissioner (Central) Zone

(3) Chief Labour Commissioner (Central), New Delhi

Form F

(See rule 53)

Form of notice of lock out to be given by an employer carrying on a Public utility service.

Name of Employer

Address

Dated the

day of

19

To

(The Secretary of the Registered Union, if any).

Dear Sir,

In accordance with the provisions of sub-section (2) of section 22 of the Industrial Disputes Act, 1947, $\frac{\text{I}}{\text{We}}$ hereby inform you that it is $\frac{\text{my}}{\text{our}}$ intention to effect a lock out with effect from _____ for the reasons explained in the annexe.

Yours faithfully

(*)

*Here insert the position which the person who signs this letter holds with the employer issuing this letter.

ANNEXE

Statement of the case

Copy to (1) Conciliation Officer (Central).

(Here enter office address of the Conciliation Officer in the local area concerned)

(2) Regional Labour Commissioner (Central) _____ Zone.

(3) Chief Labour Commissioner (Central), New Delhi.

Form G
(See Rule 54)

Form of Report of Strike or Lock-out in a public utility service

Information to be supplied in this form immediately on the occurrence of a strike or lock-out in a public utility service to the Conciliation Officer (Central) for the local area concerned.

Name of undertaking	Station and District	Normal Working Strength	Number of workers involved		Strike or lock-out	Date of commencement of strike or lock-out	Cause	Was notice of strike or lock-out given? if so, on what date and for what period?	Is there any permanent agency or agreement in the undertaking for the settlement of disputes between the employer and workmen? If any exists, particulars thereof.	Any other information
			Directly	Indirectly						
1	2	3	4	5	6	7	8	9	10	11

Note:—Column (3). Give the average number of workmen employed during the month previous to the day on which the strike or lock-out occurred. While reckoning the average, omit the day on which attendance was not normal for reasons other than individual reasons of particular workmen. Thus days on which strike or lockout occurs or communal holiday is enjoyed by a large section of workers should be omitted.

Column (4). If say, 200 workers in a factory strike work and in consequence the whole factory employing 1,000 workers has to be closed then 200 should be shown under "directly" and the remaining under "indirectly". If the strike of 200 workers does not effect the working of the other departments of the factory, the number of workers involved would only be 200, which figure should appear under "directly" and column "indirectly" would be blank.

Column (8). Give the main causes of the dispute as well as the immediate cause that led to the strike or lock-out.

Form H

(See Rule 41)

Form of Nomination Paper.

Name of Industrial Establishment.	Group / Section / Shop / Department

I nominate _____ (Here enter the name of the workmen's representative eligible for election)
as a candidate for election to the Works Committee.

Signature of Proposer

Date

I agree to the proposal nomination

Signature of candidate

Date

Attested by (1)

(2)

To be signed by any two voters belonging
to the electoral constituency.

H. KHANNA, Dy Secy

N.B — With reference to the provisions of clause 5 of the Executive Council (Transitional Provisions) Order, 1947, it is notified for general information that these rules are published after consultation with the Department of Labour (Pakistan).

V. K. R. MENON, Secy.